



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DAMAGES.—EXCESSIVE.—Deceased, a railroad telegraph lineman, fifty-three years of age, earning a salary of seventy-five dollars per month, was killed by the negligent derailment of one of the defendant's locomotives while riding in the same in the discharge of his duties. In an action for damages by his widow and two daughters the jury awarded twenty-two thousand dollars. *Held*, that as the deceased was a healthy, strong and competent workman the amount awarded was not excessive. *Freeman v. McElroy et al.* (1910), — Tex. Civ. App. —, 126 S. W. 657.

The amount of damages recoverable for death should be a just compensation with reference to the pecuniary injury resulting to the beneficiaries. *Hillebrand v. Standard Biscuit Co.*, 139 Cal. 233; *Howard v. Delaware etc. Canal Co.*, 40 Fed. 195, 6 L. R. A. 75; *Pierce v. Conners*, 20 Col. 178. The rule seems to be well recognized that in an action for the wrongful death of a parent, the loss to the minor children of instruction, and physical, intellectual and moral training by such parent, is a proper element to be considered in estimating the damages where it is shown that the deceased was a dutiful parent, of industrious habits and good character. *Kansas Pacific R. R. Co. v. Miller*, 2 Col. 442; *Walker v. Lake Shore etc. R. R. Co.*, 111 Mich. 518; *Stoebr v. St. Louis etc. R. R. Co.*, 91 Mo. 509; *Sternfels v. Metropolitan Street R. R. Co.*, 174 N. Y. 512; *Galveston etc. R. R. Co. v. Davis*, 27 Tex. Civ. App. 279. Damages in cases of this character are not susceptible of exact mathematical computation and specific proof of all the various items of pecuniary damage is not always requisite. It is sufficient to show facts and circumstances from which the jury may infer pecuniary loss. *Ill. Cent. R. R. Co. v. Spence*, 93 Tenn. 173; *Lockwood v. N. Y. Railroad Co.*, 98 N. Y. 523. There is no fixed rule to determine what amount of damages should be allowed in this class of suits. The question is peculiarly one for the jury. *Louisville etc. R. R. Co. v. Morgan*, 114 Ala. 449, 22 South 20; *Kansas Pacific R. R. Co. v. Miller*, *supra*; *Missouri Pacific R. R. Co. v. Perego*, 36 Kan. 424. But the jury is not unlimited in its discretion and where it is apparent that it has been abused by the awarding of a sum all out of proportion to the injury sustained a court of review will set the finding aside. *Penn. R. R. Co. v. Zerbe*, 33 Pa. St. 318. But, as the principal case here indicates, courts are very slow to invade the province of the jury.

DEEDS—GRANTEE A DECEASED PERSON.—One E. D. Plank, deceased, by his will made his son, the defendant E. S. Plank, his executor, and bequeathed to him the residue of his estate, charged with the support of the mother. The residue included a \$3000 mortgage, given by the Eachors upon 120 acres of land, contiguous to 80 acres upon which the plaintiffs held a mortgage, executed by the Eachors to M. Plank, and assigned by him to the plaintiff, the assignment being unrecorded. Defendant bought the 200 acre Eachor farm, part of it in substitution of the \$3000 mortgage held by the estate, and that this part might stand specifically charged with the mother's right, 120 acres were conveyed directly into the same title as the mortgage had been held, by a warranty deed from the Eachors to E. D. Plank, his heirs and assigns. This 120 acres included the 80 acres covered by the mortgage